

DOA  
07/08/23

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

United States of America

v.

Edgar Jesus Ruiz-Alvarado

CRIMINAL COMPLAINT

CASE NUMBER: 23-9392 MJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the dates described in Attachment A in the County of Maricopa in the District of Arizona, Defendant EDGAR JESUS RUIZ-ALVARADO violated 18 U.S.C. §§ 922(u) and 924(i)(1), Theft of a Firearm from an FFL's Inventory, and 18 U.S.C. §§ 922(g)(5) and 924(a)(8), Alien in Possession of a Firearm, described as follows:

**See Attachment A – Description of Counts**

I further state that I am a Task Force Officer (TFO) for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that this complaint is based on the following facts:

**See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.**

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

AUTHORIZED BY: Addison Santomé, AUSA



Digitally signed by ADDISON  
SANTOME  
Date: 2023.07.09 11:12:31 -07'00'

Andrew Barciz, TFO for ATF

Name of Complainant

ANDREW BARCIZ  
(Affiliate)

Signature of Complainant

Digitally signed by ANDREW BAR  
(Affiliate)  
Date: 2023.07.09 11:20:57 -07'00'

Sworn to telephonically before me

7/9/2023@11:43am

Date

at

Phoenix, Arizona

City and State

HONORABLE EILEEN S. WILLET

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

**ATTACHMENT A**  
**DESCRIPTION OF COUNTS**

**COUNT 1**

**Theft of a Firearm from an FFL's Inventory**

On or about July 7, 2023, in the District of Arizona, Defendant EDGAR JESUS RUIZ-ALVARADO unlawfully stole, took, and carried away firearms, that are:

(1) a gold-plated AK47 rifle, Serial Number: 292-108449, and,

(2) an Ohio Ordinance, 308 B240 belt-fed rifle, Serial Number: 24113,

which all had been shipped and transported in interstate or foreign commerce, from the business inventory of AMMO AZ, located at 2005 West Deer Valley Road in Phoenix, Arizona, which is a business licensed to engage in the business of dealing firearms.

In violation of Title 18, United States Code, Sections 922(u) and 924(i)(1).

**COUNT 2**

**Alien in Possession of a Firearm**

On or about July 7, 2023, in the District of Arizona, Defendant EDGAR JESUS RUIZ-ALVARADO, knowing that he was an alien who had been admitted to the United States under a nonimmigrant visa and not falling into any permitted exceptions pursuant to 18 U.S.C. § 922(y)(2), did knowingly possess a firearm, to wit:

(1) a gold-plated AK47 rifle, Serial Number: 292-108449, and,

(2) an Ohio Ordinance, 308 B240 belt-fed rifle, Serial Number: 24113,

which had previously been shipped or transported in interstate or foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

**ATTACHMENT B**

**STATEMENT OF PROBABLE CAUSE**

I, Andrew Barciz, a Task Force Officer for the Bureau of Alcohol, Tobacco, Firearms and Explosives in Phoenix, Arizona being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. Your affiant is a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and has been since September 18, 2019. Your affiant has been a sworn police officer since June of 2001 and has been sworn as a Federal TFO since September of 2019. Your affiant has investigated numerous weapons related offenses in collaboration with both state and federally sworn officers. Your affiant has also investigated numerous federal weapons violations to include weapons trafficking, straw purchases, and weapons manufacturing of unlawful devices. Your affiant has investigated numerous burglaries of a Federal Firearms Licensee (FFL), which is a business that sells firearms.

2. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other agents involved in the investigation, and information obtained from witnesses. Based on the below facts, your Affiant submits there is probable cause that Edgar Jesus RUIZ-ALVARADO, and known and unknown conspirators, violated Title 18, United States Code (U.S.C.) §§ 922(u) and 924(i)(1), Theft of a Firearm from an FFL's Inventory, and Title 18, U.S.C. §§ 922(g)(5) and 924(a)(8), Alien in Possession of a Firearm.

**PROBABLE CAUSE**

3. On July 7, 2023, in the early morning hours, Phoenix Police Department (PPD) officers responded to a burglary call at AMMO AZ, a FFL, located at 2005 W. Deer Valley Road in Phoenix, Arizona. AMMO AZ employees informed officers they learned through viewing surveillance footage that two subjects had broken into the FFL at approximately 2:40 a.m. and removed two firearms. The store was not open at the time of the theft.

4. AMMO AZ provided investigators with surveillance video footage of the theft.

The video shows that at approximately 2:40 a.m., two subjects arrived in a Grey Honda Civic that has a white sticker on the trunk near the license plate. Both subjects wore dark blue or black pants and jackets. The driver had on a grey baseball cap, red gloves, and white shoes. The passenger had a face mask, a hooded jacket with a triangle symbol on the front, and a grey bag. The subjects used a tool to cut open the door at the rear of the business. One of the subjects entered and removed two firearms from the business, and then both fled the area in the Grey Honda.

5. AMMO AZ is still conducting an inventory of the store but identified the two stolen firearms: (1) a gold plated AK47 bearing Serial Number: 292-108449 (hereafter, "AK47"), and (2) an Ohio Ordinance 308 B240 belt fed rifle bearing Serial Number: 24113 (hereafter, "Ohio Ordinance"). These rifles have a combined value of approximately \$20,000.00.

6. The AK47 had been shipped to the FFL from Louisiana, while the Ohio Ordinance had been shipped to the FFL from Nevada. Therefore, both firearms have travelled in interstate commerce.

7. AMMO AZ advised that the AK47 had an "apple air tag" tracking device in the 30-round magazine attached to the firearm. They provided the current location data which placed the air tag at an address on West Vernon Avenue in Phoenix, Arizona (hereafter "Vernon Address").

8. Immediately, officers went to the Vernon Address and observed a Grey Honda Civic in the driveway, matching the vehicle in the surveillance video. They began conducting surveillance of the house and vehicle.

9. At approximately 4:30 a.m., officers observed a female exit the house and get into the Grey Honda. Officers surrounded the house and contacted her at the vehicle. As they approached the vehicle, officers observed a cutting saw in the back seat of the Honda.

10. The female driver, identified as Dalia Guzman (Dalia), informed officers there were numerous males inside the residence at this time. She advised she shares a room with Fidel GUZMAN (GUZMAN), her son. Dalia stated at approximately 2:01 a.m., she heard her keys

moving but was unsure if it was GUZMAN who grabbed them. Dalia stated when she awoke at 4:30 a.m., she observed GUZMAN in bed sleeping. Dalia said GUZMAN works construction and keeps tools in her car, but he is currently out of work.

11. Officers surrounded the house and asked the occupants to exit after making contact by phone. Fidel GUZMAN and four (4) others exited the residence.

#### **Interview of Fidel GUZMAN**

12. Post *Miranda* warnings, GUZMAN admitted to breaking into AMMO AZ with another subject. The other subject arrived at his house around 1:30 a.m. and asked GUZMAN to drive him to do the burglary. GUZMAN drove them both to AMMO AZ in the Grey Honda. They used a tool to cut the door. After the burglary, they drove back to GUZMAN's residence.

13. GUZMAN identified himself in the AMMO AZ surveillance video of the burglary.

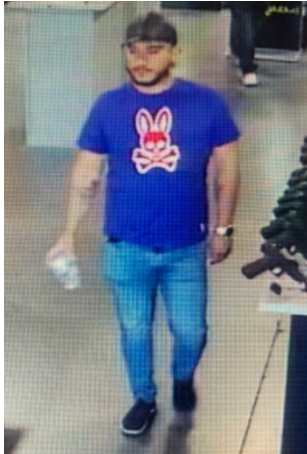
14. GUZMAN claimed to still be in possession of the AK47 but stated the other subject took the Ohio Ordinance.

15. A Maricopa County Search Warrant was executed on the Vernon Address and the AK47 and a large gas-powered saw used to cut open the door at the scene of the burglary was recovered. Additionally, officers recovered GUZMAN's cell phone.

16. Upon review of GUZMAN's cell phone, officers found messages in WhatsApp with a contact titled "Chavo". "Chavo" and GUZMAN exchanged messages coordinating that "Chavo" was going to arrive at GUZMAN's residence at approximately 1:30 a.m., which would be right before the theft.

17. Additionally, "Chavo" and GUZMAN had other exchanges which appear to relate to prior firearm purchases.

18. Your affiant contacted AMMO AZ to inquire about GUZMAN's prior firearm purchases. AMMO AZ was able to confirm that GUZMAN purchased four (4) Glock Model 19 pistols on May 9, 2023. In reviewing the surveillance footage of that purchase, it was learned GUZMAN was accompanied by another individual.



Still Photograph of  
"Chavo" from  
Surveillance Footage on  
May 9, 2023, at AMMO AZ

19. Your affiant showed a still photograph of the other individual from the surveillance footage to GUZMAN. GUZMAN identified the individual as "Chavo". GUZMAN stated that he had known "Chavo" for a couple months and he drives a yellow Mustang.



20. On July 7, 2023, pursuant to a federal tracking warrant authorized by U.S.

Magistrate Judge Eileen S. Willett, officers began tracking the phone number associated to “Chavo”. Although live tracking was not available, investigators were able to review historical data which indicated a high probability that “Chavo” had recently stayed at an apartment complex on West McDowell Road in Phoenix, Arizona (hereafter the “Apartment Complex”).

21. In reviewing license plates scanned at the Apartment Complex, investigators located a 2016 Yellow Mustang with Arizona license plate Z3A90G, which is registered to Edgar Jesus RUIZ-ALVARADO (hereafter “Yellow Mustang”).

22. In June 2022, PPD contacted RUIZ-ALVARADO regarding a threat he made to the mother of his child (hereafter “DV Victim”). According to reports, DV Victim stated RUIZ-ALVARADO told her, “I’ve killed another girl in Tijuana, what makes you think you are an exception”. Officers conducted a recorded interview of RUIZ-ALVARADO.



Still Photograph of  
RUIZ-ALVARADO from Body  
Camera Footage in June  
2022

23. In September 2021, PPD contacted RUIZ-ALVARADO as a victim of criminal damage. During this contact, RUIZ-ALVARADO presented the officers with Sinaloa, Mexico identification documents to prove his identity.

24. Further review of records indicated that RUIZ-ALVARADO is a citizen of Mexico. He entered the United States pursuant to a temporary business and tourism B-1/B-2/BCC visa granted to him on September 9, 2016. He has overstayed his visa and no longer has permission to be in the United States.



25. In reviewing License Plate Reader (LPR) data associated with the Yellow Mustang and the historical cell phone location data, it shows the Yellow Mustang moves consistently with the location data.

26. On July 8, 2023, around 1:00 a.m., the last time the LPR readers documented the Yellow Mustang, it was travelling south towards Tucson, Arizona. In reviewing historical data, investigators were able to provide general areas to look for the Yellow Mustang in Tucson, Arizona.

27. On July 8, 2023, at 1:30 p.m., investigators located the Yellow Mustang at an address on Calle Grandiosa Street in Tucson, Arizona.

28. After conducting surveillance, agents conducted a ruse at 7:45 p.m. contacting the occupants of the residence regarding “accidentally hitting the Yellow Mustang”. Although a female answered the door, upon hearing of the potential damage to his vehicle, RUIZ-ALVARADO exited the residence to view the damage.

29. Agents observed that RUIZ-ALVARADO had the same tattoos that appear in the surveillance footage and his appearance is consistent with the individual in the surveillance footage and body camera footage. He was placed under arrest.

30. At approximately 9:45 p.m., agents executed a residential search warrant at the Calle Grandiosa Street address and a vehicle search of the Yellow Mustang. They were not able to locate the missing Ohio Ordinance firearm.

#### **RUIZ-ALVARADO Interview**

31. Post *Miranda*, agents interviewed RUIZ-ALVARADO. RUIZ-ALVARADO admitted to participating in the theft at AMMO AZ and taking the two firearms.

32. Initially, RUIZ-ALVARADO claimed that GUZMAN kept the Ohio Ordinance. However, he eventually admitted to transferring the Ohio Ordinance to another person shortly after the theft.

33. RUIZ-ALVARADO confirmed that GUZMAN has been straw purchasing Glock pistols for him. He estimated he obtain twelve (12) Glock firearms from GUZMAN. RUIZ-



ALVARADO would then sell the Glockes for \$1250.00 each and share profits with GUZMAN.

34. After RUIZ-ALVARADO learned of GUZMAN's arrest, he admitted to destroying the phone he had been communicating with GUZMAN and the purchasers of the straw purchased firearms.

35. RUIZ-ALVARADO admitted to being in the United States illegally because he has overstayed his visa.

### **CONCLUSION**

36. For these reasons, your Affiant submits that there is probable cause to believe Edgar Jesus RUIZ-ALVARADO committed Theft of a Firearm from an FFL's Inventory in violation of Title 18, United States Code (U.S.C.) §§ 922(u) and 924(i)(1), and Alien in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(8).

37. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ANDREW BARCIZ (Affilia)  
Digitally signed by ANDREW BARCIZ (Affilia)  
Date: 2023.07.09 11:22:29 -07'00'

ANDREW BARCIZ  
Task Force Officer  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed telephonically this 9th day of July, 2023.



HONORABLE EILEEN S. WILLETT  
United States Magistrate Judge